

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BONNIE KRIEGER,

Plaintiff,

v.

C R BARD INCORPORATED, et al.,

Defendant.

No. 1:20-cv-00445-DAD-BAM

ORDER GRANTING PLAINTIFF'S  
UNOPPOSED REQUEST TO DISMISS THIS  
ACTION WITHOUT PREJUDICE  
PURSUANT TO FEDERAL RULE OF CIVIL  
PROCEDURE 41(a)(2)

(Doc. No. 47)

On August 2, 2021, plaintiff filed a request to dismiss this action without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. (Doc. No. 47.) On August 13, 2021, defendants filed a statement of non-opposition to the pending request. (Doc. No. 49.)

A district court should grant a motion for voluntary dismissal under Rule 41(a)(2) unless a defendant can show that it will suffer some plain legal prejudice as a result. *Waller v. Fin. Corp. of Am.*, 828 F.2d 579, 583 (9th Cir. 1987). Here, defendants do not oppose plaintiff's request for voluntary dismissal of this action without prejudice. Accordingly, the court will grant plaintiff's request and dismiss this action without prejudice.

Good cause appearing, it is hereby ordered that:

1. Plaintiff's request to dismiss this action (Doc. No. 47) is granted;
2. This action is dismissed without prejudice;

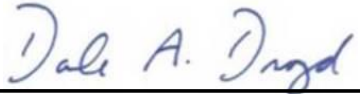
1           3.     All pending motions in this action are terminated;

2           4.     All deadlines and hearing dates in this action are vacated; and

3           5.     The Clerk of the Court is directed to close this case.

4     IT IS SO ORDERED.

5     Dated: **October 29, 2021**

  
UNITED STATES DISTRICT JUDGE